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Chairman: Mr. Al Bayati ..... (Iraq)
later: Mr. Ballestero (Vice-Chairman) ..... (Costa Rica)

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The meeting was called to order at 3.30 p.m.

Agenda item 67: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/61/L.23-L.27, L.31/Rev.1, L.36/Rev.1, L.45/Rev.1 and L.59)

Draft resolution A/C.3/61/L.23: Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

1. **Mr. Miller** (United States of America) reiterated his delegation's concern that the draft resolution infringed on the competencies of the Fifth Committee and recalled the almost unprecedented oral statement to that effect by the Secretary of the Committee. Even with the new paragraph 5, which would require the President of the General Assembly to bring the draft resolution to the consideration of the Fifth Committee, the text was unacceptable, since it called for the General Assembly to first adopt the draft resolution and then send it to the Fifth Committee. Such procedural matters, which could give rise to confusion, should at least be discussed by the Bureaux of the General, Third and Fifth Committees and the plenary Assembly. Unless they were resolved, his delegation would be unable to support the adoption of the current text.

2. **Mr. Gala** (Cuba) said that the Committee should not waste any more time in procedural wrangling but instead should proceed to take action on the draft resolution. The geographical imbalance in the staff of the Office of the High Commissioner was an issue of great concern to most delegations and had often been raised in the Commission on Human Rights. All interested delegations had had the opportunity to make their views known during the informal consultations; the text as orally revised took into account the concerns raised. The United States delegation had not participated in the consultations and was simply seizing on a procedural argument to delay adoption of the draft resolution.

3. **Mr. Keisalo** (Finland), speaking in explanation of vote before the voting on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Iceland, Moldova, Norway and Ukraine, expressed support for the efforts of the High Commissioner for Human Rights to improve gender balance and geographical distribution in the composition of the staff of her Office, including with regard to eastern Europe, the most under-represented region. Due regard must be paid to recruiting staff on as wide a geographical basis as possible but the paramount consideration must be the necessity of securing the highest standards of efficiency, competence and integrity, in accordance with Article 101 of the Charter of the United Nations.

4. The current draft resolution, however, raised a number of concerns. Cross-cutting issues such as human resources policy were matters to be considered by the Fifth Committee. Furthermore, it was not appropriate for the Organization's intergovernmental machinery to separately manage the human resources policy of the Office of the High Commissioner for Human Rights, which formed part of the Secretariat and must be addressed in the broader context of human resources issues. He recalled that General Assembly resolution 45/248 B reaffirmed that the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters and expressed concern at the tendency of substantive committees and other intergovernmental bodies to involve themselves in such matters. The Fifth Committee therefore remained the appropriate forum in which to address issues of human resources policy, including improving geographical distribution.

5. The European Union appreciated the efforts of the delegation of Cuba to build a broad consensus with regard to the draft resolution and to consult with the Office of the High Commissioner for Human Rights. It nevertheless believed that adoption of the draft resolution would be a violation of the rules and regulations of the General Assembly, and the countries on whose behalf he spoke would therefore abstain from voting.

6. **Ms. Blitt** (Canada), speaking also on behalf of Australia, said that the two countries would vote against the draft resolution out of concern for the rules of procedure and the respective responsibilities of the Main Committees. Administrative and budgetary matters, including the issue of geographical

distribution, should be addressed only by the bodies having the jurisdiction and expertise required to resolve the issue. Pursuant to rule 98 of the rules of procedure of the General Assembly, such matters were the purview of the Fifth Committee. Furthermore, according to annex IV, paragraph 96, of the rules of procedure of the General Assembly, the text of a draft resolution should not go beyond the competence of the Committee in which it was submitted. General Assembly resolution 45/248 B likewise affirmed that the Fifth Committee was the Main Committee of the General Assembly responsible for administrative and budgetary matters.

7. **Mr. Shinyo** (Japan) said that, not only did paragraph 1 (b) of the draft resolution encroach on the area of responsibility of the Fifth Committee, but the establishment of a special recruitment mechanism would be in conflict with the current system of recruitment through national competitive examinations. His delegation would vote against the draft resolution.

8. At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/61/L.23.

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tunisia, United Arab Emirates, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Israel, Japan, Micronesia (Federated States of), United States of America.

Abstaining:

Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Tuvalu, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania.

9. *Draft resolution A/C.3/61/L.23, as orally revised, was adopted by 112 votes to 6, with 54 abstentions.*

10. **Mr. Cheok** (Singapore) said that his delegation had abstained from voting because although it too shared concerns about the need to address the current imbalance in the geographical distribution of the staff of the Office of the High Commissioner, it was not convinced the remedy proposed would be the most effective solution. Rather than trying to circumvent the national competitive examination system, which could be interpreted as implying that candidates from the developing countries could not meet the required standard, efforts to address the geographical imbalance should focus on removing any bias from that system.

11. **Mr. Miller** (United States of America) said that, since paragraph 5 of the draft resolution, as orally revised, called for referral of the draft resolution to the Fifth Committee, his delegation looked forward to discussing the issues raised by the text in that forum.

12. **Ms. Hoosen** (South Africa) said that her delegation had voted in favour of the draft resolution because it believed the geographical imbalance in the

staff of the Office of the High Commissioner must be addressed. At the same time, it was of the view that the appropriate forum for discussion of administrative and budgetary matters was the Fifth Committee, and it therefore welcomed the oral revisions to the text of the draft resolution, which would ensure that it was referred to the Fifth Committee for review.

13. **Mr. Ballestero** (Costa Rica) stressed the importance of correcting the geographical imbalance in the Office of the High Commissioner and supported the motivation underlying the draft resolution. He too, however, was concerned that the establishment of a temporary mechanism might be construed as denigrating candidates from the developing countries. Furthermore, he agreed that the appropriate forum for the consideration of administrative and budgetary matters was the Fifth Committee.

14. **Mr. Ferrer Arenas** (Cuba) welcomed the adoption of the draft resolution as a strong message of support for the need to improve the representation of under-represented regional groups on the staff of the Office of the High Commissioner. He noted that the delegations that had opposed the draft resolution were members of the regional group that was most over-represented on the staff of the Office of the High Commissioner.

15. **Ms. Kafanabo** (United Republic of Tanzania) said that her Government was a firm believer in equitable geographical distribution of staff and was deeply concerned about the geographical imbalance of the staff in the Office of the United Nations High Commissioner for Human Rights. Her delegation had however abstained from voting because it believed that the Fifth Committee was the competent committee to discuss the issue.

Draft resolution A/C.3/61/L.24: Promotion of a democratic and equitable international order

16. **The Chairman** said he had been informed that the draft resolution had no programme budget implications. He announced that Bolivia, Botswana, the Central African Republic, Lesotho, Uzbekistan, Venezuela and Zambia had become sponsors of the draft resolution.

17. **Mr. Cumberbatch Miguén** (Cuba), after stating that the Gambia and Suriname had also become sponsors, said that the draft resolution highlighted the close link between international economic, political and social conditions and the promotion of human rights for all. He hoped that it would be adopted by consensus.

18. **Ms. Pohjankukka** (Finland), speaking in explanation of vote before the voting on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Liechtenstein and Moldova, said that the European Union believed it necessary to work towards a democratic and equitable international order and fully recognized that the issues raised in the draft resolution required careful analysis and action by all nations. Several elements in the text, however, went far beyond the competence of the Committee and were not dealt with in a comprehensive manner but rather were quoted selectively and out of context.

19. The Third Committee was not the right forum in which to address the matters raised in the draft resolution. For example, the text underlined the responsibility of the international community to control the mechanisms of globalization while omitting the duties and obligations of States, a consideration to which the European Union attached great importance. The European Union would therefore vote against the draft resolution.

20. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/61/L.24.*

In favour:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's

Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Argentina, Mexico, Peru.

21. *Draft resolution A/C.3/61/L.24 was adopted by 117 votes to 56, with 3 abstentions.*

Draft resolution A/C.3/61/L.25: Elimination of all forms of intolerance and of discrimination based on religion or belief

22. **Mr. Khane** (Secretary of the Committee), speaking with regard to the financial implications of the draft resolution, and referring to paragraphs 20 and 21 thereof, recalled that the Secretary-General, in his report on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first session and its first and second special sessions in 2006 (A/61/530), had informed the General Assembly that budgetary provisions had already been made for the activities related to the various human rights mandates listed in the annex to Human Rights Council decision 1/102, within resources approved under section 23, Human rights, of the programme budget for the biennium 2006-2007.

23. By decision 1/102 the Human Rights Council had decided to extend exceptionally for one year the mandates and the mandate holders of all the special procedures of the Commission on Human Rights, of the Subcommission on the Promotion and Protection of Human Rights as well as the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII). The Special Rapporteur on freedom of religion or belief fell within the purview of that decision.

24. **Ms. Pohjankukka** (Finland), speaking on behalf of the European Union and other sponsors, noted that Mexico was no longer a sponsor of the draft resolution and that the following countries had joined in sponsoring it: Azerbaijan, Brazil, Canada, Colombia, Costa Rica, El Salvador, Guinea-Bissau, Honduras, Mauritius, Montenegro, Mozambique, Palau, Sao Tome and Principe, Sierra Leone and Uruguay. The draft resolution currently had 95 sponsors, exceeding the previous year's number, when the draft resolution had been adopted by consensus, thereby reflecting the common determination of the international community to adopt all necessary measures to prevent and eliminate intolerance and discrimination based on religion or belief.

25. Although the draft resolution had been submitted by the members of the European Union, it reflected the common will of the international community. It reaffirmed the importance of freedom of thought, conscience and religion in the international human-rights system and expressed concerns about intolerance and discrimination on the grounds of religion or belief. It highlighted the role of education and dialogue in enhancing mutual understanding and knowledge and promoting freedom of religion and tolerance. It also expressed firm support for the work of the Special Rapporteur. The European Union had and would continue to consult extensively on the draft resolution in the hope that, like last year, all delegations would join the consensus.

26. **Mr. Khane** (Secretary of the Committee) announced that Burundi, Côte d'Ivoire, Lesotho, Liberia and Serbia had also become sponsors of the draft resolution.

27. *Draft resolution A/C.3/61/L.25 was adopted.*

28. **Ms. Halabi** (Syrian Arab Republic) said that her country rejected all forms of intolerance and discrimination based on religion or belief and was in favour of promoting dialogue and mutual understanding. It was encouraging to see the draft resolution's insistence that religion should not be equated with terrorism and its call for efforts to combat intolerance. Although her delegation supported most of the provisions of the draft resolution, it had strong reservations with regard to paragraph 4 (a), which was at odds with the teachings of Islam.

Draft resolution A/C.3/61/L.26: Respect for the right to universal freedom of travel and the vital importance of family reunification*

29. **The Chairman** said that the draft resolution had no programme budget implications.

30. **Mr. Ferrer Arenas** (Cuba), said that the international community had a duty to support the family, which was, as stated in the draft resolution, the basic unit of society. Accordingly, everything possible should be done to promote family reunification, protect the right of citizens to return to their countries of origin and facilitate the free flow of remittances from people living abroad to their home countries. He urged all delegations to vote in favour of the draft resolution.

31. **Mr. Khane** (Secretary of the Committee) announced that Bolivia, the Democratic Republic of the Congo and Venezuela (Bolivarian Republic of) had joined the list of sponsors of the draft resolution.

32. **Mr. Miller** (United States of America) requested a recorded vote on the draft resolution. He said that his delegation was voting against the draft resolution because, by referring to a universal right to travel, it confused the right of an individual to live in a country and to enter his or her own country with the right of a sovereign State to determine who can enter its country. Moreover, while the United States promoted the concept of family reunification, there was no such right under international law or any national law.

33. The United States Government was in favour of humane and orderly immigration. Approximately 20 per cent of all migrants in the world lived in the United States and of the 1 million permanent legal residents who had come to the United States in 2005, 60 per cent had been accepted under the family reunification programme. His country recognized the importance of family reunification and had a generous immigration policy. It recognized the benefits of remittances by immigrants to their home countries, not as a legal right, but as private flows between individuals. States had the power to establish economic relations with other States, and citizens and residents should comply with any restrictions on international flows.

34. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/61/L.26*.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Palau, United States of America.

Abstaining:

Albania, Andorra, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Singapore, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland.

35. *Draft resolution A/C.3/61/L.26* was adopted by 116 votes to 3, with 58 abstentions.*

36. **Mr. Suarez** (Colombia) said that his delegation was voting in favour of the resolution, but explained that when the matter came up again, it needed to include a provision calling for the Secretary-General or the United Nations High Commissioner for Human Rights to present a report to the General Assembly relating to the implementation of the resolution and taking into account the views of States and NGOs on the various provisions of the resolution and the possibility of making adjustments in the future for it to produce more effective results.

37. *Mr. Ballestero (Costa Rica), Vice-Chairman, took the Chair.*

Draft resolution A/C.3/61/L.27: The right to food

38. **Mr. Khane** (Secretary of the Committee), speaking with regard to the financial implications of the draft resolution, and referring to the provisions of paragraph 23 thereof, recalled that the Secretary-General, in his report on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first session and its first and second special sessions in 2006 (A/61/530), had informed the General Assembly that budgetary provisions had already been made for the activities related to the various human rights mandates listed in the annex to Human Rights Council decision 1/102, within resources approved under section 23, Human rights, of the programme budget for the biennium 2006-2007.

39. By decision 1/102, the Human Rights Council had decided to extend exceptionally for one year the mandates and the mandate holders of all the special procedures of the Commission on Human Rights, of the Subcommission on the Promotion and Protection of Human Rights as well as the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII). The Special Rapporteur on the right to food fell within the purview of that decision.

40. **Mr. Cumberbatch Miguén** (Cuba) said that the draft resolution included many of the relevant recommendations in the report of the Special Rapporteur. His delegation hoped that the implementation of its provisions would help eliminate the scourge of hunger in a world where one child under the age of five died every five seconds owing to disease or hunger and where 854,000 people suffered from malnutrition. In addition to the original sponsors listed in the document and those announced by the Secretariat, Bulgaria, Cambodia, Cyprus, India, Oman and Sri Lanka had joined in sponsoring the draft resolution.

41. **Mr. Khane** (Secretary of the Committee) announced that Bolivia, the Central African Republic, Gabon, Guinea-Bissau, Hungary, Lithuania, Mauritius, Qatar, Sierra Leone and Ukraine had joined the list of sponsors.

42. **Mr. Miller** (United States), after requesting a recorded vote on the draft resolution, said that his country was committed to food and food security and was the largest donor of humanitarian food aid in the world. He agreed with the sentiment expressed in the draft resolution that food was profoundly important but could not support the text. His Government had always maintained that the right to food or the right to be free of hunger was a goal to be attained progressively and did not give rise to any international obligations or diminish the responsibilities of national Governments to their citizens. In the light of that long-standing position, his delegation found that the current draft resolution, like many others before it, contained many objectionable provisions, including inaccurate textual descriptions of the underlying right.

43. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/61/L.27.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

None.

44. *Draft resolution A/C.3/61/L.27 was adopted by 175 votes to 1.*

45. **Mr. Cumberbatch Miguén** (Cuba), after noting that the French version of the draft resolution did not include Cuba as a sponsor, requested that all language versions should be checked to ensure that Cuba was listed among the sponsors. He was happy with the overwhelming support for the draft resolution.

Draft resolution A/C.3/61/L.31/Rev.1: Promotion of equitable and mutually respectful dialogue on human rights

46. **Mr. Khane** (Secretary of the Committee), read out a statement in accordance with rule 153 of the rules of procedure of the General Assembly in connection with paragraph 6 of the draft resolution, which stated that the General Assembly would stress the continuing need for unbiased and objective information on the situation of human rights in all countries and the impartial presentation of such information, including through the reports of the special rapporteurs and representatives, independent experts and working groups.

47. As already indicated in the oral statement on the programme-budget implications of draft resolution A/C.3/61/L.31, he recalled that the Secretary-General, in his report on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first session and its first and second special sessions in 2006 (A/61/530), had informed the General Assembly that budgetary provisions already existed under section 2, General Assembly and Economic and Social Council affairs and conference management, in respect of conference costs, estimated at $330,900 to implement Human Rights Council decision 1/103.

48. With regard to other costs estimated at $39,400, in connection with activities called for in the draft resolution, it was expected that the requirements would be absorbed within existing provisions for section 23, Human rights (travel and daily subsistence allowance

requirements: $32,800 and section 28E, Administration, Geneva (conference support costs: $6,600) of the programme budget for the biennium 2006-2007. Accordingly, no additional appropriations would be required.

49. **Mr. Rachkov** (Belarus), introducing the revised draft resolution on behalf of the original sponsors and India and Iran, drew attention to paragraph 4, which stressed the need to avoid politically motivated and biased country-specific resolutions on the situation of human rights, the selective targeting of individual countries and the application of double standards in the work of the United Nations human rights bodies. That position had been approved by the Heads of State or Government of Non-Aligned Countries, and it also reflected the spirit of the process that the General Assembly had set in motion with the creation of the Human Rights Council. There was one small revision to the text of the draft resolution: the words "through international cooperation" in the last line of the third preambular paragraph should be deleted.

50. **Mr. Gustafik** (Secretary of the Committee) announced that Angola, Benin, the Democratic People's Republic of Korea, Guinea-Bissau, Viet Nam and Zimbabwe had joined the list of sponsors of draft resolution A/C.3/61/L.31/Rev.1.

51. **The Chairman** said that the representative of the United States had requested a recorded vote on the draft resolution.

52. **Mr. Miller** (United States of America), speaking in explanation of vote before the voting, recalled that the United Nations had been established as a result of nations' commitment to join together to protect humanity. Accordingly, draft resolution A/C.3/61/L.31/Rev.1 had much to recommend it, since it called for mutually respectful dialogue and the elimination of politically motivated or biased country-specific resolutions. However, on many occasions the United Nations had approached grave situations in specific countries in an even-handed manner, bringing hope to the oppressed and promoting reform.

53. The draft resolution before the Committee should be judged on the motives of the original sponsors, both of which were long-term abusers of human rights. For that reason, and because the text could be misinterpreted as calling for limitations on country-specific resolutions, he would be voting against its adoption and hoped that other Member States would do likewise, thereby preserving one of the Organization's best tools for fulfilling its mandate in the area of human rights.

54. **Ms. Pohjankukka** (Finland), speaking on behalf of the European Union and, in addition, Bulgaria, Croatia, Moldova, Montenegro, Norway, Romania, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine, said that the promotion and protection of human rights should be based on cooperation and dialogue. Consequently, the European Union agreed fully with the purported objective of the draft resolution. Nevertheless, cooperation and dialogue were effective only insofar as the political will to change also existed, and that was not always the case. Indeed, Belarus, one of the sponsors of the draft resolution, had thus far failed to cooperate or enter into meaningful dialogue with the human rights machinery of the United Nations. Where an approach based on cooperation and dialogue failed, the international community must not remain silent. Doing so would let down the very people it was trying to protect.

55. The European Union therefore had fundamental concerns about the true objective of the draft resolution, which appeared to be an attempt to stifle all legitimate expressions of concern by the United Nations about the human rights situation in particular countries. Politically motivated or biased country-specific resolutions should be avoided, but the European Union totally rejected the overall inference that country-specific resolutions by definition fell into those categories. Many such resolutions had been adopted by consensus and negotiated with the countries concerned and they had often proved to be valuable tools for dialogue and cooperation. Furthermore, some human rights situations were, by all objective and impartial accounts, so serious that the United Nations could not remain silent even when the country concerned was not open to cooperation. To suggest that the Organization was acting in a biased or politically motivated fashion in those cases was grotesque.

56. She was also concerned about other aspects of the text, in particular its reference to only one of the tools available to the Human Rights Council. In addition, while the European Union attached considerable importance to advancing the establishment of the universal periodic review, the latter would not replace the work of the General Assembly or render other country-specific tools redundant. In order to contribute to the prevention of human rights violations and to

respond promptly to emergencies, the United Nations human rights machinery must continue to address such violations in a timely manner, rather than waiting until the situation in a particular country was being examined within the framework of the future universal periodic review.

57. Although the European Union had engaged in last-minute negotiations on the draft resolution, only a very small number of its proposals had been considered by the sponsors. Accordingly, it would be voting against the adoption of the text.

58. **Ms. Feller** (Mexico) said that dialogue and cooperation were fundamental to the promotion and protection of human rights. In that connection, the new Human Rights Council and the forthcoming universal periodic review mechanism should ensure that human rights questions were discussed in an objective and non-selective manner and eliminate double standards and excessive politicization. In future, therefore, the number of country-specific resolutions should decrease, and resolutions that were not motivated by a desire to protect human rights would no longer be considered.

59. However, the terms of reference of the Human Rights Council and the universal periodic review did not preclude the submission of country-specific resolutions, particularly when all other avenues had been exhausted. In any event, it would be premature to prejudge the outcome of the deliberations of the Working Group established to develop the modalities of the universal periodic review mechanism.

60. She had serious concerns about the real reasons for the submission of the draft resolution and about the increasing number of initiatives designed to disrupt the political climate in which human rights questions were considered. Accordingly, she would be voting against the adoption of draft resolution A/C.3/61/L.31/Rev.1.

61. **Ms. Blitt** (Canada) said that she did not agree with the thesis behind the draft resolution or its intention. Country-specific resolutions were an important tool for dealing with serious human rights violations and situations where technical assistance could be useful. The draft resolution at issue was clearly politically motivated, as it sought to circumscribe efforts to address human rights questions, and her delegation would therefore be voting against its adoption.

62. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/61/L.31/Rev.1.*

In favour:

Algeria, Angola, Azerbaijan, Bahrain, Belarus, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Cambodia, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, Eritrea, Gabon, Gambia, Grenada, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining:

Antigua and Barbuda, Armenia, Bahamas, Bangladesh, Barbados, Belize, Brazil, Costa Rica, Dominica, El Salvador, Ethiopia, Fiji, Ghana, Guyana, Haiti, Iraq, Jordan, Madagascar, Malawi,

Mauritius, Nigeria, Papua New Guinea, Paraguay, Rwanda, Uganda, United Republic of Tanzania.

63. *Draft resolution A/C.3/61/L.31/Rev.1, as orally revised, was adopted by 77 votes to 63, with 26 abstentions.*

64. **Mr. Meyer** (Brazil) said that, while country-specific resolutions on human rights were not constructive, a comprehensive study on that issue should be conducted before the General Assembly took a final decision. Accordingly, he had abstained from the voting.

65. **Mr. Shinyo** (Japan) said that he had voted against the draft resolution. It was his understanding that its adoption did not prevent any State from pursuing country-specific human rights resolutions, which could improve the situation on the ground and also served as a good basis for dialogue, provided that the parties concerned had the necessary good will.

Draft resolution A/C.3/61/L.36/Rev.1: Protection of human rights and fundamental freedoms while countering terrorism

66. **Mr. Khane** (Secretary of the Committee) announced that Angola, Belarus, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cape Verde, Côte d'Ivoire, Egypt, Georgia, Honduras, Iceland, Indonesia, Israel, Lebanon, Moldova, Morocco, Nigeria, Peru, Russian Federation, Senegal, Ukraine, United Republic of Tanzania, United States of America and Uruguay had joined the sponsors.

67. With regard to the financial implications of the draft resolution, and referring to the provisions of paragraphs 14 and 17 thereof, he recalled that the Secretary-General, in his report on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first session and its first and second special sessions in 2006 (A/61/530), had informed the General Assembly that budgetary provisions had already been made for the activities related to the various human rights mandates listed in the annex to Human Rights Council decision 1/102, within resources approved under section 23, Human rights, of the programme budget for the biennium 2006-2007.

68. By decision 1/102, the Human Rights Council had decided to extend exceptionally for one year the mandates and the mandate holders of all the special procedures of the Commission on Human Rights, of the Subcommission on the Promotion and Protection of Human Rights as well as the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII). The Special Rapporteur on the promotion and protection of human rights while countering terrorism fell within the purview of that decision.

69. **Ms. Feller** (Mexico), introducing the draft resolution, said that Costa Rica, Italy and the Bolivarian Republic of Venezuela had joined the sponsors.

70. *Draft resolution A/C.3/61/L.36/Rev.1 was adopted.*

Draft resolution A/C.3/61/L.45/Rev.1: Extrajudicial, summary or arbitrary executions

71. **Mr. Khane** (Secretary of the Committee) pointed out that Greece should have been included in the list of original sponsors.

72. With regard to the financial implications of the draft resolution, and referring to the provisions of paragraphs 17 and 18 thereof, he recalled that the Secretary-General, in his report on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first session and its first and second special sessions in 2006 (A/61/530), had informed the General Assembly that budgetary provisions had already been made for the activities related to the various human rights mandates listed in the annex to Human Rights Council decision 1/102, within resources approved under section 23, Human rights, of the programme budget for the biennium 2006-2007.

73. By decision 1/102, the Human Rights Council had decided to extend exceptionally for one year the mandates and the mandate holders of all the special procedures of the Commission on Human Rights, of the Subcommission on the Promotion and Protection of Human Rights as well as the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII). The Special Rapporteur on extrajudicial, summary or arbitrary executions fell within the purview of that decision.

74. **Mr. Berg** (Sweden), speaking on behalf of the five Nordic countries, introduced the draft resolution and noted that Australia, Bulgaria, Honduras, Montenegro and Turkey had joined the sponsors. There were two minor revisions to paragraph 13: the word

"on-site" should be deleted and the words "an indispensable component" should be replaced with the words "one of the tools for the fulfilment". Although it had not been possible to reach consensus on the draft resolution, the work accomplished would provide a good basis for future discussions.

75. **The Chairman** drew attention to the proposed amendments to draft resolution A/C.3/61/L.45/Rev.1 contained in document A/C.3/61/L.59.

76. **Mr. Berg** (Sweden) said that the two amendments proposed in document A/C.3/61/L.59 were not acceptable to his delegation. He therefore requested a recorded vote on each paragraph.

77. **Mr. Afifi** (Egypt) expressed regret that consensus had not been possible on a draft resolution which dealt with an abhorrent and repugnant practice. Unfortunately, as in the past, the text of the draft had been overloaded with extraneous elements, such as the attempt, in paragraph 4, to equate the death penalty with arbitrary executions; his delegation totally rejected that assertion. Furthermore, the list in paragraph 5 (b) should be omitted, since it did not include one of the main reasons for the persistence of extrajudicial executions, namely, foreign occupation.

78. **Mr. Berg** (Sweden), speaking in explanation of vote before the voting, said that, while delegations had interpreted paragraph 4 in a number of different ways, they had all agreed on the fundamental notion underlying it. The intention was not to judge States that continued to implement the death penalty. He would be voting against the proposed amendments contained in document A/C.3/61/L.59 and urged other delegations to do likewise.

79. **Mr. Alsaif** (Kuwait) said it was regrettable that the sponsors had not fully taken into account the concerns of other delegations, including those of the Islamic group, so as to make it possible for the draft resolution to be adopted by consensus. There was absolutely no need for the selectivity reflected in paragraphs 4 and 5. Also, his delegation did not accept the idea of including certain types of execution under the three categories of extrajudicial, summary or arbitrary executions.

80. *At the request of the representative of Sweden, a recorded vote was taken on paragraph 1 of the amendment contained in document A/C.3/61/L.59.*

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Botswana, Brunei Darussalam, China, Djibouti, Dominica, Egypt, Ethiopia, Grenada, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Morocco, Nicaragua, Niger, Oman, Pakistan, Papua New Guinea, Qatar, Saudi Arabia, Senegal, Singapore, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, Uzbekistan, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Netherlands, New Zealand, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Angola, Belarus, Bhutan, Burundi, Colombia, Congo, Côte d'Ivoire, Fiji, Guinea-Bissau, Kenya, Liberia, Mauritius, Mongolia, Namibia, Nepal, Russian Federation, Sierra Leone, Sri Lanka, Swaziland, Tuvalu, Uganda, United Republic of Tanzania, United States of America.

81. *The proposed amendment was rejected by 71 votes to 62, with 23 abstentions.*

82. *At the request of the representative of Sweden, a recorded vote was taken on paragraph 2 of the amendment contained in document A/C.3/61/L.59.*

In favour:

Afghanistan, Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Benin, Botswana, Brunei Darussalam, China, Colombia, Comoros, Djibouti, Egypt, Ethiopia, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kazakhstan, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Oman, Pakistan, Papua New Guinea, Qatar, Russian Federation, Saudi Arabia, Senegal, Singapore, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, Uzbekistan, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Moldova, Montenegro, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Antigua and Barbuda, Bahamas, Barbados, Belarus, Belize, Bhutan, Bosnia and Herzegovina, Burundi, Congo, Côte d'Ivoire, Dominica, Fiji, Guinea-Bissau, Jamaica, Kenya, Liberia, Mauritius, Mongolia, Namibia, Nepal, Philippines, Sierra Leone, Sri Lanka, Uganda, United Republic of Tanzania.

83. *The proposed amendment was rejected by 69 votes to 57, with 25 abstentions.*

84. **Mr. Berg** (Sweden), speaking in explanation of vote after the vote, said that the focus of paragraph 5 (b) of the draft resolution, as orally revised, was on the State and its responsibilities in the situations mentioned. It was not the intention of the sponsors to claim that members of the groups mentioned in paragraph 5 (b) were somehow more deserving of protection than other persons, but merely to call for the same level of protection to be accorded to them as was the case for all others. The text as proposed did not imply any value judgement relating to any of the groups or activities mentioned.

85. Speaking in explanation of vote before the vote on paragraphs 4 and 5 (b) of the draft resolution, he said that his delegation would vote in favour of both paragraphs.

86. *At the request of the representative of Sweden, a recorded vote was taken on paragraph 4 of draft resolution A/C.3/61/L.45/Rev.1, as orally revised.*

In favour:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Against:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, China, Dominica, Egypt, Guyana, Indonesia, Iran (Islamic Republic of),

Iraq, Jamaica, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mauritania, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Singapore, Sudan, Suriname, Syrian Arab Republic, Trinidad and Tobago, United Arab Emirates, Viet Nam, Yemen, Zimbabwe.

Abstaining:

Burundi, Central African Republic, Congo, Guinea-Bissau, India, Japan, Jordan, Kenya, Lesotho, Liberia, Madagascar, Mali, Mongolia, Morocco, Niger, Palau, Russian Federation, Sierra Leone, Sri Lanka, Swaziland, Thailand, Tunisia, Uganda, United Republic of Tanzania, United States of America, Zambia.

87. *Paragraph 4 was retained by 89 votes to 38, with 26 abstentions.*

88. **Mr. Shinyo** (Japan), speaking in explanation of vote after the vote, said that he had abstained in the vote on paragraph 4 of the draft resolution because the language used was inadequate. The request to comply with international human rights instruments was directed only at those States in which the death penalty had not been abolished, whereas his delegation believed that it should be addressed to all Member States, regardless of whether or not they had the death penalty. His delegation hoped that consensus would be possible at the next session.

89. *At the request of the representative of Sweden, a recorded vote was taken on paragraph 5 (b) of draft resolution A/C.3/61/L.45/Rev.1, as orally revised.*

In favour:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cameroon, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea-Bissau, Honduras, Hungary, Iceland, India, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Montenegro, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

Against:

Afghanistan, Bahrain, Botswana, Brunei Darussalam, China, Comoros, Djibouti, Egypt, Indonesia, Iran (Islamic Republic of), Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mauritania, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Singapore, Sudan, Syrian Arab Republic, United Arab Emirates, Viet Nam, Yemen, Zimbabwe.

Abstaining:

Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Cambodia, Congo, Dominica, Ethiopia, Grenada, Guyana, Jordan, Kenya, Lesotho, Liberia, Mongolia, Morocco, Namibia, Niger, Philippines, Russian Federation, Sri Lanka, Swaziland, Thailand, Tunisia, Uganda, United Republic of Tanzania, Zambia.

90. *Paragraph 5 (b) was retained by 93 votes to 30, with 28 abstentions.*

91. **Mr. Berg** (Sweden) said that his delegation hoped that in future years consensus on the draft resolution would be restored. As the votes just taken had shown, however, the text as submitted by the sponsors already enjoyed the support of the majority of delegations present. He hoped that the differences of opinion demonstrated by those votes would not prevent the Committee from confirming once again the commitment of all Member States to the core objective of the resolution. The request for a vote on the draft resolution came as quite a surprise to the sponsors. He would be voting in favour, and he urged all other delegations to do likewise.

92. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/61/L.45/Rev.1 as a whole, as orally revised.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of), Zambia.

Against:

None.

Abstaining:

Bahamas, Bahrain, Bangladesh, Brunei Darussalam, Burkina Faso, Burundi, China, Côte d'Ivoire, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Ethiopia, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Jamahiriya, Malaysia, Maldives, Niger, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Syrian Arab Republic, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Viet Nam, Yemen, Zimbabwe.

93. *The draft resolution was adopted by 129 votes to none, with 42 abstentions.*•

94. **Ms. Abdelhak** (Algeria) said that her delegation had voted in favour of the draft resolution to reaffirm its commitment to the elimination of extrajudicial, summary and arbitrary executions. It had also voted for the amendments submitted by Azerbaijan on behalf of the Organization of the Islamic Conference. The proposed amendment to paragraph 4 was intended to reflect the current legal reality. The proposed amendment to paragraph 5 (b) would avoid a description that would make it difficult to achieve broad support on the sensitive question of extrajudicial, summary or arbitrary executions. She hoped that at the sixty-second session, new wording could be found that would make it possible to adopt the resolution by consensus.

95. **Mr. Miller** (United States of America) said that the United States abhorred and condemned all extrajudicial, summary and arbitrary executions, and its legal system included many protections against such practices. Unfortunately, the draft resolution strayed into areas beyond its stated scope. It could be misunderstood as blurring the historically rooted and logical distinction between human rights law and international humanitarian law. The third and sixth preambular paragraphs failed to delineate carefully the spheres of application of international humanitarian law, which was the law of armed conflict, and international human rights law. The resolution further erred by failing to recognize that the concept of extrajudicial, summary and arbitrary executions and killings was not one that was applicable during armed conflict, where there was a separate, well-developed body of law governing unlawful killing. Under the Geneva Conventions of 1949, it was a grave breach to kill prisoners of war or protected persons wilfully or to sentence them without fair and regular trial rights. Thus, the law of war provided a related but different framework for addressing that abhorrent conduct. The third and seventh preambular paragraphs failed to acknowledge the separate framework for addressing

• The delegation of Gabon subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

unlawful killing during armed conflict and threatened to undermine the important protections provided for prisoners of war and civilians by the law of war.

96. In a similar vein of overreaching and politicizing the text unnecessarily, paragraph 7 welcomed the International Criminal Court as an important contribution to ending impunity concerning extrajudicial, summary or arbitrary executions. Even supporters of the Court should be willing to acknowledge that that statement was factually inaccurate. Under the Rome Statute, the International Criminal Court had jurisdiction over genocide, war crimes and crimes against humanity; it had no jurisdiction over extrajudicial, summary or arbitrary executions as such. Accordingly, the International Criminal Court did not in fact make a significant contribution to the fight against extrajudicial, summary or arbitrary executions. The sponsors' insistence on including references to the Court in the draft resolution served only to politicize the topic and made it more difficult for the international community to speak with one voice in the fight against extrajudicial, summary or arbitrary executions. The continued concerns of the United States about the Rome Statute were well known.

97. Overall, his delegation's assessment was that the draft resolution strayed into areas beyond the scope of extrajudicial, summary or arbitrary executions or killings in a way that did not provide helpful guidance to the international community but rather risked creating confusion and detracting from its intended purpose. His delegation hoped that the sponsors of the draft resolution would allow other delegations to work closely with them next time so as to develop a more focused text.

98. **Ms. Baleseng** (Botswana) said that her delegation had voted for the draft resolution because it condemned in the strongest terms all extrajudicial, summary and arbitrary executions. However, her delegation completely dissociated itself from paragraph 4 of the draft resolution, which should be applied to all countries, not only those in which the death penalty existed. Also, her delegation objected to the inclusion of the words "sexual orientation" in paragraph 5 (b).

The meeting rose at 6.10 p.m.